

**AMENDMENT UNDER 37 C.F.R. § 1.312**

Serial Number, 09/884,674

Filing Date: June 19, 2001

Title: SYSTEM AND METHOD FOR AUTOMATIC AND ADAPTIVE USE OF ACTIVE NETWORK PERFORMANCE MEASUREMENT  
TECHNIQUES TO FIND THE FASTEST SOURCE

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**CONCLUSION**

It is respectfully submitted that these changes do not introduce new matter, and the claims are allowable without further search or consideration. Therefore, entry is appropriate under Rule 312, and is respectfully requested.

The Examiner is invited to telephone Applicants' representative at (612) 373-6954 to facilitate prosecution of this application. If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully Submitted,

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Date September 10, 2010 By 

Rodney L. Lacy  
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 10 day of September, 2010.

Chris Hammond  
Name

/Chris Hammond/  
Signature